

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

MICHAEL D. ROSE,  
and EDWARD L. HARMON,  
*on their own behalf and on behalf  
of all others similarly situated,*

Plaintiffs,

v.

CIVIL ACTION NO. 5:22-cv-00405

MICHAEL FRANCIS,  
*individually and as an employee of  
the West Virginia Division of Corrections  
and Rehabilitation,*  
THE RALEIGH COUNTY COMMISSION,  
John/Jane Doe Employees of the Raleigh  
County Commission,  
THE FAYETTE COUNTY COMMISSION,  
John/Jane Doe Employees of the Fayette  
County Commission,  
THE GREENBRIER COUNTY COMMISSION,  
John/Jane Doe Employees of the Greenbrier  
County Commission,  
THE MERCER COUNTY COMMISSION,  
John/Jane Doe Employees of the Mercer  
County Commission,  
THE MONROE COUNTY COMMISSION,  
John/Jane Doe Employees of the Monroe  
County Commission,  
THE SUMMERS COUNTY COMMISSION,  
John/Jane Doe Employees of the Summers  
County Commission,  
THE WYOMING COUNTY COMMISSION,  
John/Jane Doe Employees of the Wyoming  
County Commission,  
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,  
John/Jane Doe PrimeCare Employees,  
JOHN/JANE DOE CORRECTIONAL OFFICERS,  
BETSY JIVIDEN, *individually as an employee of the  
West Virginia Division of Corrections and Rehabilitation,*  
WEXFORD HEALTH SOURCES, INC.  
John/Jane Doe Wexford Employees,

BRAD DOUGLAS, *individually and in his official capacity as the acting Commissioner of the West Virginia Division of Corrections and Rehabilitation,* JEFF S. SANDY, *individually and in his official capacity as the Cabinet Secretary of the West Virginia Division Department of Homeland Security, and* WILLIAM K. MARSHALL, III *individually and in his official capacity as the Commissioner of the West Virginia Division of Corrections and Rehabilitation,*

Defendants.

**ORDER**

On October 19, 2023, the Court convened a hearing on Plaintiffs' Motion for Class Certification [Doc. 518]. Plaintiffs are given leave to move to supplement the record -- with the twelve (12) exhibits identified during the hearing -- **on or before October 27, 2023**. Defendants may respond on or before **November 3, 2023**, with any reply filed on or before **November 10, 2023**.

Defendants Betsy Jividen, Brad Douglas, and William K. Marshall, III, are likewise given leave to file their supplemental brief, not to exceed seven (7) pages, **on or before October 27, 2023**. Defendants may respond **on or before November 3, 2023**, with any reply filed **on or before November 10, 2023**.

The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 20, 2023



Frank W. Volk  
United States District Judge